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COMMITTEE PRINT

PROPOSED AMENDMENTS TO THE
FOREIGN SERVICE ACT OF 1946,
AS AMENDED

Submitted by the Department of State



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PROPOSED AMENDMENTS TO THE FOREIGN SERVICE ACT OF 1946, AS AMENDED

The material in this committee print was submitted to the chairman of the Committee on Foreign Affairs by the Department of State on February 18, 1963. It has been printed for the convenience of the committee in its consideration of the proposed amendments to the Foreign Service Act of 1946, as amended.

DEPARTMENT OF STATE,
February 27, 1963.

Hon. WAYNE L. HAYS,
*Chairman, Subcommittee on State Department Organization and Foreign
Operations, Committee on Foreign Affairs, House of Representatives.*

DEAR MR. CHAIRMAN: On February 18, 1963, the Department forwarded to the Congress a group of proposed Foreign Service Act amendments.

Of possible use to you in considering our proposed Foreign Service Act amendments are the attached brief explanations of each of them. While none of these proposals individually is a complex or major change in existing legislation they add up to an important group of amendments from the standpoint of improved administration of the Foreign Service.

I shall be most grateful if you can give us your continued support and assistance in bringing about the early passage of these measures.

Sincerely yours,

WILLIAM J. CROCKETT,
Assistant Secretary of State for Administration.

EXPLANATION OF DRAFT FOREIGN SERVICE ACT AMENDMENTS OF 1963

(Submitted February 18, 1963)

These draft Foreign Service Act amendments would—

1. Modify existing provisions limiting the period officers or employees of the Service may be assigned for duty in any Government agency (including the Department of State) or in any international organization, international commission, or international body. Under existing provisions such an assignment to the United States as opposed to an assignment to a Foreign Service post abroad is limited to a period of not to exceed 4 years which may, under special circumstances, be extended by the Secretary for a period of not more than 4 additional years. The Secretary needs broad discretionary authority with respect to the utilization of Foreign Service personnel. The proposed

amendment will authorize the Secretary to approve in individual cases the extension of such assignments beyond the maximum period of 8 years when he determines it is in the best interest of the Government to do so (sec. 571(a)).

2. Change by making more restrictive the provisions with respect to salary differentials payable to Foreign Service personnel assigned to duty in the United States. Existing provisions require the payment of salary differentials to certain Foreign Service personnel assigned to duty in the United States if the basic salary of the position to which assigned exceeds the salary of the Foreign Service class of the officer or employee. Rotation between the United States and oversea posts is now a normal element of the Foreign Service assignment process and there is usually no justification for the payment of salary differentials when assignments to the United States are made. This amendment will eliminate most such salary differentials except that the Secretary will have authority to pay the differential when in his discretion the unusual requirements of an assignment justify its payment. This amendment will not affect differentials paid to Foreign Service personnel who are appointed by the President alone or by and with the advice and consent of the Senate. In such cases the salary paid would be that which relates to the Presidential appointment or the Foreign Service salary, whichever is greater (sec. 571(c)).

3. Simplify payroll procedures by making within-class salary increases for Foreign Service officers and Reserve officers effective at the start of a pay period and equalize the application of such increases by making them effective following the expiration of a specified period in class rather than at the beginning of each fiscal year. The existing provision has resulted in splitting pay periods and thus unnecessarily complicating the payroll operation. Further, it has created inequity by providing a variable interval of from 9 to 23 months during which an officer promoted to a higher class must wait for his within-class increase. This amendment will provide a uniform waiting period for within-class increases, which will become effective at the beginning of regular pay periods (sec. 625).

4. Grant the Secretary authority to simplify existing procedures incident to Foreign Service travel by:

(a) Permitting payment or prepayment of travel expenses on a commuted basis. Present laws and related regulations pertaining to the travel of personnel and the transportation of their effects do not allow the adoption of simplified procedures which would result in lowering the cost of administering the Foreign Service travel and transportation system. Approval of this amendment would permit the Department to prepay on a commuted basis all costs in connection with fares and shipments of unaccompanied air and surface baggage, as well as household effects, thus overcoming the prohibition on advance of public moneys for this purpose (sec. 911);

(b) Providing authority for the travel of officers and employees of the Service and their families for annual leave in connection with rotation assignment to the United States

after service abroad. Current authority provides for transportation to a place of residence, under such circumstances, only for home leave. Home leave is not necessary from the viewpoint of acquainting the officer or employee with conditions in his own country if he is to serve a tour of duty in the United States. Approval of this amendment would make it possible for an officer or employee returning to the United States after a tour of duty abroad to be given a shorter period of annual leave to refresh himself and his family and to attend to private affairs before taking on a Washington assignment (sec. 911(1)(2));

(c) Provide authority to enable members of the families of officers and employees of the Service to accompany such officers and employees for representational purposes within the country of their assignment or at the Secretary's discretion, outside the country of their assignment. Representation is frequently conducted more successfully by a man-and-wife team than by an officer alone, and in the case of a single or widowed officer, when accompanied by a sister or other adult relative who normally acts as hostess. The Department does not believe officers or employees should be required to bear the expense of travel of members of family when it is within the public interest for such family members to travel for representational purposes. This amendment will permit such travel at Government expense (sec. 911(2)); and

(d) Provide authority to transport the remains of officers or employees and members of their families to appropriate places of interment anywhere in the United States. Current authority authorizes the transportation of the remains of officers or employees and members of their families only to their former homes. Experience has shown that the family burial plot and the place of residence is not always the same. This amendment will permit, in appropriate cases, the transportation of such remains at Government expense to former homes or to any other place considered appropriate, such as a family burial plot or national cemetery anywhere in the United States (sec. 911(8)).

5. Increase the Secretary's authority to use Government owned and leased vehicles for transportation of Government employees and their dependents abroad when public transportation is unsafe or not available. Government-owned vehicles are not necessarily in use constantly for official transportation even though they must be kept in readiness for such use. Under existing provisions the principal officer at a post where transportation facilities are unavailable or are unsafe, cannot authorize the use of such vehicles for unofficial transportation. This amendment will enable the principal officer at a post to use these facilities for whatever purpose they may be needed, in his discretion, to provide necessary transportation for employees and their dependents (sec. 914).

6. Simplify procedures to permit the quick settlement and payment by the Secretary of legitimate property loss claims incident to service abroad when they do not exceed \$6,500.

Under existing provisions each such claim must, after consideration and approval by the Department's Foreign Service Claim Board, be submitted to Congress for individual action. The authority sought in this provision is similar to authority presently vested in the Secretary to settle tort claims abroad involving State Department operations (sec. 1051).

7. Provide the Secretary with authority to grant, whenever he considers it necessary, funds in lieu of or supplementary to, educational allowances for the purpose of insuring adequate educational services for children of Government employees stationed in foreign areas. Over and above existing general authority for aid to education abroad, the Secretary needs to be able to supplement educational assistance in those instances where none of the existing statutory authority enables him to insure adequate education for the children of Government employees abroad (sec. 1081).

The cost of these proposed amendments is modest. There would be no cost involved in the provision outlined in numbered paragraph 1. An estimated net savings of \$41,000 would result in the amendment proposed in numbered paragraph 2. The cost of the amendment outlined in numbered paragraph 3 is estimated at \$80,000. The total cost of the proposal outlined in numbered paragraph 4 is estimated at \$51,200. There is no cost involved in the amendments outlined in numbered paragraphs 5 and 6. It is estimated that the proposal outlined in numbered paragraph 7 would cost \$150,000. Accordingly, the total net estimated cost of all of these amendments is \$230,200.

DRAFT LEGISLATION

A BILL To amend the Foreign Service Act of 1946, as amended, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Foreign Service Act Amendments of 1963."

SEC. 2. Section 571 (a) and (c) of such Act are hereby amended as follows:

(a) Section 571(a) is amended by changing the final period to a colon and adding "*Provided, That in individual cases when personally approved by the Secretary further extension may be made.*"

(b) Section 571(c) is amended to read as follows:

"(c) If the basic minimum salary of the position to which an officer or employee of the Service is assigned or appointed is higher than the salary such officer or employee is entitled to receive as an officer or employee of the Service, such officer or employee assigned pursuant to the terms of paragraph (a) of this section if so designated by the Secretary, or such officer or employee appointed pursuant to the terms of paragraph (b) of this section, shall, during the period such difference in salary exists, receive the salary and allowances of the position in which he is serving in lieu of his salary and allowances as an officer or employee of the Service. Any salary paid under the provisions of this section shall be the salary on the basis of which computations and payments shall be made in accordance with the provisions of title VIII."

SEC. 3. Section 625 of such Act is amended by substituting in the first sentence the words "the same numerical" for the words "a given"; by substituting the words "fifty-two calendar weeks or more, shall, at the beginning of the next pay period" for the words "nine months or more, shall, on the first day of each fiscal year"; and by substituting in the second sentence the words "a Foreign Service officer or a Reserve" for the words "any such."

SEC. 4. (a) Section 911 of such Act is amended by adding a comma and the phrase "including prepayment on a commuted basis" after the word "pay" in the introductory sentence.

(b) Section 911(1) of such Act is amended by inserting after the word "Secretary" the phrase "authorizing annual leave at their home upon reassignment to the United States after service abroad or".

(c) Section 911(2) of such Act is amended to read as follows:

"(2) the travel expenses of members of the family of an officer or employee of the Service when proceeding to or returning from his post on duty; accompanying him on authorized travel to his home on annual leave when he is reassigned to the United States or on authorized home leave; accompanying him for representational purposes on authorized travel within the country of his assignment or, at the discretion of the Secretary, outside the country of his assignment; or otherwise traveling in accordance with authority granted pursuant to the terms of this or any other Act;"

(d) Section 911(8) of such Act is amended to read as follows:

"(8) the cost of preparing and transporting to their former homes, or to such other place in the United States as may be determined to be the appropriate place, or to a place not more distant than their former homes, for interment the remains of an officer or employee of the Service who is a citizen of the United States and of the members of his family who may die while the officer or employee is in the Service."

SEC. 5. Section 921(d) of such Act is deleted, restated in a new section 914, and a new heading thereto is added as follows:

"USE OF GOVERNMENT OWNED OR LEASED VEHICLES

"SEC. 914. Notwithstanding the provisions of section 5 of the Act of July 16, 1914, as amended (5 U.S.C. 78), the Secretary may authorize any principal officer to approve the use of Government owned or leased vehicles located at his post for transportation of United States Government employees and their dependents when public transportation is unsafe or not available."

SEC. 6. A new section 1051 and part F under title X of such Act are hereby added as follows:

"PART F—CLAIMS

"SEC. 1051. The Secretary may, under such regulations as he shall prescribe, settle and pay claims arising after date of enactment of this section against the United States Government for damage to, or loss of, personal property incident to his service of any officer or employee of the Service in a sum not to exceed \$6,500 for a single claim, or replace property in kind: *Provided*, That a claim may be allowed under

this section only if: (i) the officer or employee of the Service establishes that insurance was not obtainable at reasonable cost or was unobtainable for the risk from which the damage or loss resulted; (ii) it is presented in writing within two years after the damage or loss occurs; (iii) it did not occur at quarters occupied by the claimant within the fifty States or the District of Columbia that were not assigned to him or otherwise provided in kind by the United States; and (iv) such loss or damage occurs without fault or negligence on the part of the claimant or member of his family. Notwithstanding any other provision of law, a settlement of a claim pursuant to this section shall be final and conclusive."

SEC. 7. A new section 1081 and part I under title X of such Act are hereby added as follows:

"PART I—GRANTS TO SCHOOLS

"SEC. 1081. Notwithstanding any other law, the Secretary is authorized to make grants of funds in lieu of or as supplementary to education allowances, for assistance in the establishment, construction, expansion, maintenance, and operation of schools outside the United States, whenever he determines such grant of funds is necessary in order to provide suitable education for children of employees stationed in a foreign area."

EXPLANATION OF BILL

PART II—ASSIGNMENT OF FOREIGN SERVICE PERSONNEL

ASSIGNMENTS TO ANY GOVERNMENT AGENCY OR INTERNATIONAL ORGANIZATION

EXISTING LEGISLATION

SEC. 571. (a) Any officer or employee of the Service may, in the discretion of the Secretary, be assigned or detailed for duty in any Government agency, or in any international organization, international commission, or international body, such an assignment or combination of assignments to be for a period of not more than four years, except that under special circumstances the Secretary may extend this four-year period for not more than four additional years[.]

(c) If the basic minimum salary of the position to which an officer or employee of the Service is assigned [pursuant to the terms

PROPOSED LEGISLATION

SEC. 571. (a) Any officer or employee of the Service may, in the discretion of the Secretary, be assigned or detailed for duty in any Government agency, or in any international organization, international commission, or international body, such an assignment or combination of assignments to be for a period of not more than four years, except that under special circumstances the Secretary may extend this four-year period for not more than four additional years: *Provided, That in individual cases when personally approved by the Secretary further extension may be made.*

(c) If the basic minimum salary of the position to which an officer or employee of the Service is assigned or appointed is higher

EXISTING LEGISLATION

of this section] is higher than the salary such officer or employee is entitled to receive as an officer or employee of the Service such officer or employee shall, during the period such difference in salary exists, receive the salary and allowances of the position in which he is serving in lieu of his salary and allowances as an officer or employee of the Service. Any salary paid under the provisions of this section shall be the salary on the basis of which computations and payments shall be made in accordance with the provisions of title VIII. [No officer or employee of the Service who, subsequent to the date of enactment of the Foreign Service Act Amendments of 1960, is assigned to, or who, after June 30, 1961, occupies a position in the Department that is designated as a Foreign Service officer position, shall be entitled to receive a salary differential under the provisions of this paragraph.]

PROPOSED LEGISLATION

than the salary such officer or employee is entitled to receive as an officer or employee of the Service, such officer or employee assigned pursuant to the terms of paragraph (a) of this section if so designated by the Secretary, or such officer or employee appointed pursuant to the terms of paragraph (b) of this section, shall, during the period such difference in salary exists, receive the salary and allowances of the position in which he is serving in lieu of his salary and allowances as an officer or employee of the Service. Any salary paid under the provisions of this section shall be the salary on the basis of which computations and payments shall be made in accordance with the provisions of title VIII.

Section 571(a) is amended to broaden the provisions which limit the period that the Secretary may assign or detail an officer or employee of the Service for duty in any Government agency or in any international organization, international commission, or international body, so that in individual cases the Secretary may extend such assignments for periods beyond 8 years.

It is proposed to repeal the provisions of section 571(c) with respect to payment of salary differentials to Foreign Service personnel assigned to duty in the United States except in those cases where the Secretary determines that a salary differential shall be paid. Since the integration of departmental and Foreign Service personnel has made the interchange of personnel between oversea and U.S. assignments a normal procedure, there is now usually no justification for the payment of salary differentials when assignments to the United States are made. Accordingly, the Department seeks elimination of the general requirement that a differential must be paid. However, it is necessary that the Secretary have authority to pay this salary differential when in his discretion the unusual requirements of an assignment justify its payment. Examples are: assignment to the U.S. Mission to the United Nations, and the assignment of officers to positions in the Department that place unusual representational responsibilities upon them or which make unusual demands upon their time over and above normal work requirements.

The functions performed by the U.S. Mission are essentially diplomatic in nature and the representational duties performed by the officers assigned to that Mission are identical in nature with representational duties performed by officers in similar positions in our Foreign Service missions abroad. The United States, as the host nation, must be prepared to respond to the many opportunities for effective representational activities that occur in connection with our responsibility to the United Nations. Our officers assigned to the United Nations are for the most part financially unable to assume the added personal expenses of the high costs of representation found necessary in connection with their assignment. Thus, they are placed at a disadvantage with respect to their opposite numbers in other delegations who are receiving allowances which are usually granted diplomats serving abroad.

Frequently officers assigned to the Office of the Secretary or to the offices of other high ranking officials of the Department may be required to spend many hours more than the normal work requirements of their jobs attending official functions, accompanying their superior officer on official trips, briefing him in afterhours sessions and taking instruction from him as required at any hour of the day or night during workdays, weekends, or holidays. Such round-the-clock responsibility entails extra monetary expenditures by the officers for which reimbursement is not feasible. It is not anticipated that the Secretary will authorize salary differentials for more than 10 Foreign Service employees assigned to the United States at any one time, including those detailed to USUN or assigned within the Department.

Changes in the general provisions for the payment of salary differentials to Foreign Service personnel assigned to the United States will not affect Foreign Service personnel who are appointed by the President alone or by and with the advice and consent of the Senate as described in section 571(b). Such officers will receive the salary of the position to which appointed or their Foreign Service salary whichever is greater.

WITHIN-CLASS SALARY INCREASES OF FOREIGN SERVICE OFFICERS AND
RESERVE OFFICERS

EXISTING LEGISLATION

SEC. 625. Any Foreign Service officer or any Reserve officer, whose services meet the standards required for the efficient conduct of the work of the Service and who shall have been in [a given] class for a continuous period of [nine months or more, shall, on the first day of each fiscal year], receive an increase in salary to the next higher rate for the class in which he is serving. Without regard to any other law, the Secretary is authorized to grant to [any such] officer additional increases in salary, within the salary range established for the class in which he is serving, based upon especially meritorious service.

PROPOSED LEGISLATION

SEC. 625. Any Foreign Service officer or any Reserve officer, whose services meet the standards required for the efficient conduct of the work of the Service and who shall have been in *the same numerical class* for a continuous period of *fifty-two calendar weeks or more, shall, at the beginning of the next pay period*, receive an increase in salary to the next higher rate for the class in which he is serving. Without regard to any other law, the Secretary is authorized to grant to *a Foreign Service officer or a Reserve officer* additional increases in salary, within the salary range established for the class in which he is serving, based upon especially meritorious service.

The purposes of the proposed amendments to section 625 are (1) to simplify the payroll procedures for processing within-class increases for Foreign Service officers and Foreign Service Reserve officers by making such increases effective at the beginning of a pay period; (2) to equalize the application of such increases by making them effective immediately following the expiration of a specified period in class rather than on July 1 of each year; (3) to permit the use of service in the same numerical class either as an FSR or an FSO toward an increase in the class in which the officer is serving at the time the increase would be due; and (4) to clarify the language relating to increases for meritorious services.

When within-class increases are made effective on July 1 of each year, a pay period is nearly always split, unnecessarily complicating the payroll operation. Under present law, when an officer is promoted to a higher class in October of a given year, he would not have 9 months in class by the following July 1 and would therefore not be eligible until July 1 of the second year following class promotion. By providing for increases after a specified period of 52 calendar weeks, each officer serves the same length of time in class before his first within-class increase. For example: an officer was promoted to FSO-4, on October 8, 1962; under the present system he would not be eligible for within-class increase on July 1, 1963, but would receive a within-class increase on July 1, 1964; under the proposed system he would receive the within-class increase on October 14, 1963.

Under present interpretation, service as an FSR is not credited toward a within-class increase in an FSO class. This has resulted in unjustified delay for an FSR when later appointed as an FSO. Substitution of the phrase "a Foreign Service officer or a Reserve" for

the word "such" in existing language is a technical clarification that relates the granting of meritorious service increases directly with Foreign Service officers and Foreign Service Reserve officers. This change eliminates the unintended implication in the present language that such increases relate to those officers who have been in class for a specified period of time.

PART B—TRAVEL AND RELATED EXPENSES

GENERAL PROVISIONS

EXISTING LEGISLATION

SEC. 911. The Secretary may, under such regulations as he shall prescribe, pay—

PROPOSED LEGISLATION

SEC. 911. The Secretary may, under such regulations as he shall prescribe, pay, *including prepayment on a commuted basis—*

The purpose of the proposed amendment of the first sentence of section 911 to add the phrase "including prepayment on a commuted basis" is to grant the Secretary authority to simplify existing procedures incident to Foreign Service travel. Present laws and related regulations pertaining to the travel of personnel and the transportation of their effects do not allow the adoption of simplified procedures which would result in lower costs to administer the Foreign Service travel and transportation system.

To achieve its goal of streamlining administrative operations, the Department must thoroughly revamp its present travel system to eliminate the excessive number of obligating, vouchering, and auditing actions generated by Foreign Service travel. The man-hours spent in providing travel assistance to employees, obtaining and evaluating bids for packing and shipping services, issuing Government bills of lading, supervising shipments being sent and received, collecting from employees for excess weights shipped, and settling claims represent undue effort and expense which can be curtailed sharply or, in some cases, eliminated by adoption of the commuted travel program.

Approval of the required legislation would permit the Department to prepay on a commuted basis, all costs in connection with fares and shipments of unaccompanied air and surface baggage, as well as household effects, thus overcoming the prohibition on advance of public moneys contained in 31 U.S.C. 529. The cost of each trip would be computed in advance and a single voucher would be processed to effect payment to the traveler prior to the commencement of the journey. Provision would be made for a supplemental payment to cover unusual circumstances such as strikes and acts of God affecting travel beyond the control of the traveler. The traveler would be responsible for making arrangements for his personal travel and for the transportation of his effects, in accordance with pertinent laws and regulations concerning the use of American-flag carriers, American airlines and other American companies.

The isolated location of many Foreign Service posts, inadequate packing and transportation facilities in some areas of the world, as well as other factors having a direct bearing on a worldwide program of this kind, will cause implementation of the commuted travel plan to proceed slowly. It is estimated that, because of abrupt and un-

announced changes in tariffs, unstable rates of exchange, and other variables, this plan would not be usable for 20 percent of the transfer cases involving Foreign Service personnel. On the other hand, it is quite possible that it would be valid for the other 80 percent of transfer cases and the potential savings in terms of reduced paperwork would be sizable. These savings, which are not definitive and must be projected over a period of several years, could result in a cumulative reduction in costs to the Government. The initial effort would concentrate on those areas where costs can be established and verified readily.

Approval of legislation permitting establishment of a commuted travel program for Foreign Service travel would result in more effective utilization of available manpower and simplified transportation management.

EXISTING LEGISLATION

SEC. 911.

(1) the travel expenses of officers and employees of the Service, including expenses incurred while traveling pursuant to orders issued by the Secretary in accordance with the provisions of section 933 with regard to the granting of home leave;

PROPOSED LEGISLATION

SEC. 911.

(1) the travel expenses of officers and employees of the Service, including expenses incurred while traveling pursuant to orders issued by the Secretary *authorizing annual leave at their homes upon reassignment to the United States after service abroad* or in accordance with the provisions of section 933 with regard to the granting of home leave;

The purpose of this amendment is to permit travel to a place of residence in the United States for annual leave when an officer or employee is to be assigned to duty in the United States following duty abroad. Current authority provides for transportation to a place of residence, under such circumstances, only for home leave.

At present an officer or employee is granted home leave after a foreign assignment and before an assignment in the United States if he has completed 18 to 36 months—depending upon his post of assignment—continuous service abroad. Such leave is not necessary from the viewpoint of acquainting the officer or employee with circumstances in his own country to make him a better representative abroad. His assignment in the United States will accomplish that purpose. It is the Department's belief, however, that an employee is entitled to earned home leave after a tour of duty at certain hardship posts and that he should be given an opportunity for such leave before entering on duty for a departmental assignment. On the other hand, an officer or employee who has not served at a hardship post may upon return to the United States need a shorter period of leave in order to refresh himself and his family and to attend to private affairs (putting children in college, visiting aged parents, settling estates, etc.) before taking on a Washington assignment. For such purposes a relatively brief period of annual leave will normally be granted personnel returning from nonhardship posts.

It is therefore proposed that transportation for visits to the home leave address following a foreign assignment and before entering upon a U.S. assignment be paid for by the Government, but that the period

of leave be shortened by allowing only annual leave for those on transfer to the United States from posts where living and working conditions have not imposed any particular hardship. Annual leave would be charged for the officer or employee's absence from the time he would have arrived had he made a direct journey from his post to Washington or from the time he arrives at his home leave address whichever is sooner until the time he actually arrives in Washington. However, he will be entitled to actual or constructive travel costs and to per diem for the time that would have been spent in travel status on direct travel to his home leave address. Home leave upon return to the United States for assignment in the Department will normally be granted only after an officer or employee has completed a tour of duty at a post which has been designated a hardship post for rest and recuperation purposes.

EXISTING LEGISLATION

SEC. 911.

(2) the travel expenses of members of the family of an officer or employee of the Service when proceeding to or returning from his post of duty; accompanying him on authorized home leave; or otherwise traveling in accordance with authority granted pursuant to the terms of this or any other Act;

PROPOSED LEGISLATION

SEC. 911.

(2) the travel expenses of members of the family of an officer or employee of the Service when proceeding to or returning from his post of duty; accompanying him on authorized travel to his home on annual leave when he is reassigned to the United States or on authorized home leave; accompanying him for representational purposes on authorized travel within the country of his assignment or, at the discretion of the Secretary, outside the country of his assignment; or otherwise traveling in accordance with authority granted pursuant to the terms of this or any other Act;

Section 911(2) is being amended with respect to travel on annual leave when an officer is reassigned to the United States to conform with the proposed amendment in section 911(1). Further, a new provision is being added to section 911(2) to authorize dependents of Foreign Service officers and employees to accompany them for representational purposes on authorized travel within the country of their assignment or at the discretion of the Secretary outside the country of their assignment.

Experience has shown that representation is frequently conducted more successfully by a man-and-wife team than by an officer alone, and in the case of single or widowed officers, when accompanied by a sister or other adult relative who normally acts as hostess. This has become increasingly significant with the improving status of women in societies throughout the world. In the past, when members of an officer's family have accompanied him on official trips the representational benefit to the United States has frequently been pronounced. The Department does not believe officers should be required to bear this additional expense when the travel of members of family is in the public interest.

EXISTING LEGISLATION

SEC. 911.

(8) [the cost of preparing and transporting to their former homes in the continental United States or to a place not more distant, the remains of an officer or employee of the Service who is a citizen of the United States and of the members of his family who may die abroad or while in travel status:]

PROPOSED LEGISLATION

SEC. 911.

(8) *the cost of preparing and transporting to their former homes, or to such other place in the United States as may be determined to be the appropriate place or to a place not more distant than their former homes, for interment the remains of an officer or employee of the Service who is a citizen of the United States and of the members of his family who may die while the officer or employee is in the Service.*

The current provision relating to the transportation of remains of officers and employees of the Service and members of their families is limited to transportation to their former homes or to a place not more distant. Experience has shown that the family burial plot and the place of residence is not always the same. When the cost of the shipment of the remains to such a place is in excess of the cost of shipment to the former home, the difference in cost cannot be paid by the Government. The proposed amendment would permit in appropriate cases the transportation of such remains at Government expense to former homes or to any other place considered appropriate, such as a family burial plot or national cemetery anywhere in the United States.

The proposed amendment will also correct an inconsistency in existing authority relating to the transportation of remains of employees and members of their families. When an employee or dependent dies abroad or while in travel status, the remains, the family, and their effects are transported to their place of residence in the United States; if an employee or dependent dies while in the United States but not in travel status, the family and effects may be transported but not the remains. This amendment will make it possible to transport the remains of employees or dependents who die while in the Service, wherever stationed, to an appropriate place of interment anywhere in the United States.

PART B—TRAVEL AND RELATED EXPENSES

EXISTING LEGISLATION

See part C, section 921(d).

PROPOSED LEGISLATION

USE OF GOVERNMENT OWNED OR
LEASED VEHICLES

SEC. 914. Notwithstanding the provisions of section 5 of the Act of July 16, 1914, as amended (5 U.S.C. 78) the Secretary may authorize any principal officer to approve the use of Government owned or leased vehicles located at his post for transportation of United States Government employees and their dependents when public transportation is unsafe or not available.

The basic language in new section 914 is being taken from existing section 921(d) which is being deleted because reference to use of Government-owned vehicles for the transportation of employees or dependents does not belong under the heading "Commissary Services." The existing provisions in this section make it possible for the Secretary to authorize any principal officer to approve the use of Government-owned vehicles located at his post for the transportation of U.S. Government employees who are American citizens and their dependents to and from recreation facilities when public transportation is unsafe or is not available.

The provision authorizing the use of Government-owned transportation to and from recreational facilities has been a useful one but there are many instances over and beyond this need where in the interest of the safety of the adult and minor dependents of Foreign Service personnel, Government transportation must be used. In many of the newly opened posts in Africa, in certain Asian posts and in the Curtain countries, public transportation facilities, if they exist, cannot be considered a safe means of travel for women and children. In fact, in some areas it is not considered safe for an unescorted woman to drive herself or her children on the public thoroughfares, whatever may be the purpose of the travel. Further, in these difficult areas there are certain social functions which for representational purposes our officers and employees and their wives must attend. In many instances, in addition to the absence of safe public transportation, privately owned vehicles cannot be left unattended on the streets.

Moreover, in some Foreign Service posts where adequate schools exist for providing elementary and secondary educational services for dependents of U.S. Government employees public transportation facilities to and from such schools are not available or are inadequate.

Government-owned vehicles are available at all posts abroad. They are not necessarily in use constantly for official transportation yet they must be maintained and held in readiness for such use. The principal officer at a post where transportation facilities are unavailable or unsafe should be able to use, in his discretion, facilities that are available to him for whatever purpose they may be needed to provide transportation for employees and their dependents. It is for this reason that the Department seeks the broader authority provided in the new section 914. This section also has been changed to authorize the use of leased vehicles as well as Government-owned ones since there are posts where it is more economical for the Department to lease a few vehicles on a part-time basis rather than to purchase and maintain a full quota of Government-owned vehicles.

PART C—COMMISSARY SERVICE

EXISTING LEGISLATION

SEC. 921. **[(d)** Notwithstanding the provisions of section 5 of the Act of July 16, 1914, as amended (5 U.S.C. 78), the Secretary may authorize any principal officer to approve the use of Government-owned vehicles located at his post for transportation of United States Government employees who are American citizens, and their dependents, to and from recreation facilities when public transportation is unsafe or is not available. **]**

Section 921(d) is repealed since this section has been revised and restated as new section 914.

EXISTING LEGISLATION

No existing legislation.

PROPOSED LEGISLATION

PROPOSED LEGISLATION

PART F—CLAIMS

SEC. 1051. *The Secretary may, under such regulations as he shall prescribe, settle and pay claims arising after date of enactment of this section against the United States Government for damage to, or loss of, personal property incident to his service of any officer or employee of the Service in a sum not to exceed \$6,500 for a single claim, or replace property in kind: Provided, That a claim may be allowed under this section only if: (i) the officer or employee of the Service establishes that insurance was not obtainable at reasonable cost or was unobtainable for the risk from which the damage or loss resulted; (ii) it is presented in writing within two years after the damage or loss occurs; (iii) it did not occur at quarters occupied by the claimant within the fifty States or the District of Columbia that were not assigned to him or otherwise provided in kind by the United States; and (iv) such loss or damage occurs without fault or negligence on the part of the claimant or member of his family. Notwithstanding any other provision of law, a settlement of a claim pursuant to this section shall be final and conclusive.*

The purpose of this amendment is to simplify the procedure for reimbursing, within limits, Foreign Service personnel who suffer property loss incident to service abroad.

The lack of political stability in a number of areas of the world where Foreign Service personnel are stationed, and the incidence of civil disturbance, riot, arson, and sundry threats to the property of such personnel have made it certain that the U.S. Government will be presented from year to year with legitimate claims.

Past experience indicates that hasty evacuation of a post in the face of hostilities leads almost inevitably to personal property losses. When Seoul was evacuated in 1950, 24 hours ahead of its takeover by the advancing North Korean Army, American Embassy personnel were evacuated by plane and saved only what they wore and what they could put into one suitcase.

At the present time the Department's Foreign Service Claim Board, operating under administrative regulations, considers claims for non-insurable losses incurred by Foreign Service employees as a result of emergency conditions and recommends approved cases to the Congress for settlement under private bills. For losses sustained since the evacuation of personnel from Seoul, Korea, in June 1950, 15 claims have been approved by the Claim Board, 11 of which have been settled under 4 separate private laws approved by the 83d, 85th, and 86th Congresses. Four of the 15 cases were recommended to the 2d session, 87th Congress, for reimbursement. No action was taken on these claims prior to adjournment of that session of the Congress.

The proposed amendment would provide a permanent vehicle for the quick settlement of legitimate claims, thus enabling personnel who have suffered losses to replace them, at least in part.

This proposal would be similar to authority presently vested in the Secretary to settle tort claims abroad involving State Department operations.

EXISTING LEGISLATION

No existing legislation.

PROPOSED LEGISLATION

PART I—GRANTS TO SCHOOLS

SEC. 1081. Notwithstanding any other law, the Secretary is authorized to make grants of funds in lieu of or as supplementary to education allowances, for assistance in the establishment, construction, expansion, maintenance, and operation of schools outside the United States, whenever he determines such grant of funds is necessary in order to provide suitable education for children of employees stationed in a foreign area.

The Department is requesting the authority contained in new section 1081 because over and above existing general authority for aid to education abroad, the Secretary needs to be able to supplement the existing channels of assistance to schools in those instances where none of the existing statutory authorities enable him to insure adequate education for the children of Government employees abroad.

There is existing legislative authority for several types of aid to education abroad. First, two useful and far-reaching programs, but ones that are not designed to meet the needs of children of Government employees abroad, are those which provide demonstration centers in foreign countries to display American educational techniques, primarily for the benefit of the local population. The programs are under the direction, respectively, of State's Bureau of Educational and Cultural Relations and of AID. Although in some few instances these programs provide benefits to children of Government employees abroad when no more suitable arrangement can be made, the use for such purposes is extremely limited.

Legislative authority exists for two kinds of aid to schools attended primarily by dependents of Government employees. These, however, are primarily of benefit to the dependents of military and AID personnel. One is the military dependents' school system which is concentrated in areas where troops are stationed. The other is the new authority in section 636 (c) and (d) of the AID legislation which authorizes assistance to schools for dependents of Government employees in areas where the AID program is operating.

A third major kind of assistance in education is that provided in 1955 through which educational allowances may be granted to parents to defray the costs of obtaining an adequate education for their children. Valuable as this program is, it is not the complete answer. It is dependent upon the existence of adequate educational facilities and the willingness of local educators and the officials of the host government to cooperate. Where no adequate facilities exist or where there is opposition to the participation of the dependents of U.S. Government employees in existing systems, educational needs can be met best by capital grants.

With the requested new authority in the Foreign Service Act, the Secretary will be able to supplement the existing channels of assistance to schools in those instances, as in Iron Curtain countries, where none of the existing statutory authorities can meet the need.

The Secretary of State needs authority to supplement existing educational facilities or to provide new ones where they are not available through the grant of funds over and above existing legislative authority which cannot meet the needs for educational services to dependent children in certain areas. This amendment will provide stopgap legislation to be used only on a very limited basis until total legislation can be developed on aid for education for dependents of employees of all civilian agencies overseas.

Estimated cost of proposed Foreign Service Act amendments

| <i>Item</i> | <i>1st year cost</i> |
|---|----------------------|
| 1. Broadening provisions relating to length of assignments in the United States (sec. 571(a))----- | 0 |
| Comment: There will be no additional cost to retain employees for longer periods in the United States. | |
| 2. Change in provisions relating to U.S. salary differentials (sec. 571(c))----- | (-\$41,000) |
| Comment: The reduction in the area of applicability of the U.S. salary differential under this proposal would result in a saving in the amount of \$41,000. | |
| 3. Change in provisions relating to within-class increases for Foreign Service officers and Reserve officers (sec. 625)----- | 80,000 |
| Comment: Most officers are promoted during the months of February, March, or April. Thus they would receive their first within-class increase 3 or 4 months sooner under this proposal than they do under present legislation. The cost of this provision can be estimated by multiplying the average number of officers promoted by one-third of the average within-class increase. This amounts to \$80,000. Changing the date from July 1 to the beginning of a pay period will reduce administrative costs. | |
| 4. Commuted travel plan (sec. 911)----- | 0 |
| Comment: There will be no additional costs in connection with this plan, the purpose of which is to permit an eventual substantial reduction in administrative costs. | |
| 5. Substitution of annual leave for home leave prior to home assignment (sec. 911 (1) and (2))----- | 0 |
| Comment: This section would not result in any increase in costs and would result in a saving to the Government by virtue of the earlier entrance on duty of personnel assigned to Washington after a tour of duty abroad. | |
| 6. Travel expenses for members of families in connection with representation (sec. 911(2))----- | 40,000 |
| Comment: Cost of travel for members of family to accompany officers and employees on official travel for representational purposes is estimated at \$40,000. | |
| 7. Shipment of remains to place other than official residence (sec. 911(8))----- | 1,200 |
| Comment: The increased cost of shipping the remains of officers and employees and members of their families to the family burial place is estimated to be \$1,200. | |
| 8. Use of Government owned or leased vehicles (sec. 914)----- | 0 |
| Comment: The proposal authorizes increased use of existing vehicles so the only cost would be a minor increase in fuel expenses which is not possible to estimate. | |
| 9. Settlement of employee claims for property damage abroad (sec. 1051)----- | 0 |
| Comment: Between June 1950 and June 1961, 266 claims, averaging \$1,804, were settled by private laws at a total cost of \$479,994. The average annual cost for claims settled during this period was \$43,636. It is not anticipated that there will be any increase in this amount. | |
| 10. Grants to schools (sec. 1081)----- | 150,000 |
| Comment: A preliminary estimate indicates that grants might be made to 10 schools averaging \$15,000 each. | |
| Total estimated cost----- | 271,200 |
| Savings----- | 41,000 |
| Net cost----- | 230,200 |